

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

MARK DOWNEY

Plaintiff,

v.

CIVIL ACTION NO. 2:19-cv-00497

UNITED STATES OF AMERICA, et al.,

Defendants.

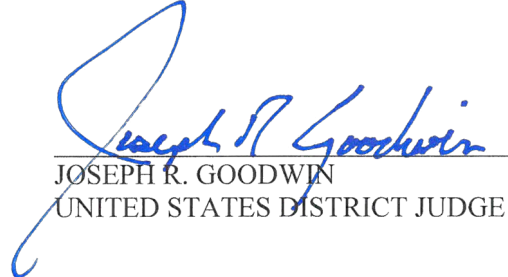
MEMORANDUM OPINION AND ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On December 3, 2019, Magistrate Judge Tinsley submitted the Proposed Findings of Fact and Recommendation (“PF&R”), [ECF No. 7], recommending the court **DISMISS** Plaintiff’s complaint, [ECF No. 2], because it is frivolous and fails to state a claim upon which relief may be granted. To date, no objections to Magistrate Judge Tinsley’s PF&R have been filed, and the time period for the filing of objections has passed.

Accordingly, the court **ADOPTS** and **INCORPORATES** herein the PF&R. For the reasons stated, the court **DISMISSES with prejudice** Plaintiff’s complaint [ECF No. 2] because it is frivolous and fails to state a claim upon which relief may be

granted. The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 23, 2020



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE